



FAIRFAX COUNTY

Department of Public Works and Environmental Services
Office of Site Development Services
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Fairfax, Virginia 22035-5503

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V I R G I N I A

AUG 0 5 1999

99-03

TO: All Architects, Builders, Developers, Engineers and Surveyors Practicing in
Fairfax County

SUBJECT: Title Report Requirement for Plat of Subdivision

Background:

It has been our policy to accept a statement on plats of subdivision to the effect that no title was furnished for the property to be subdivided, and that all previously recorded rights-of-way, easements or other interests of the County would remain in force unless otherwise indicated on the plat. The clear implication of such statements was that there could exist County property interests that are not depicted on the plat.

Recently, we were reminded by the County Attorney's Office that Section 15.2-2265 of the Virginia Code provides:

When the authorized officials of a locality within which land is located, approve in accordance with the subdivision ordinances of the locality a plat or replat of land therein, then upon the recording of the plat or replat in the circuit court clerk's office, all rights-of-way, easements or other interest of the locality in the land included on the plat or replat, except as shown thereon, shall be terminated and extinguished, except that an interest acquired by the locality by condemnation, by purchase for valuable consideration and evidenced by a separate instrument of record, or streets, alleys or easements for public passage subject to the provisions of §15.2-2271 or §15.2-2272 shall not be affected thereby.

A similar provision exists in Section 101-2-5(d)(4) of the Fairfax County Subdivision Ordinance. The legal effect of these provisions is the termination and extinguishment of certain County property interests, where such interests are not depicted on the subdivision plat, irrespective of so-called "curative" plat language to the contrary. In addition, please see Section 101-2-3(c)(4) and 101-2-5(C)(6) of the Subdivision Ordinance, which require the depiction of existing easements on preliminary and final subdivision plats.

Implementation of New Policy for the First Submission of Preliminary and Final Subdivision Plats:

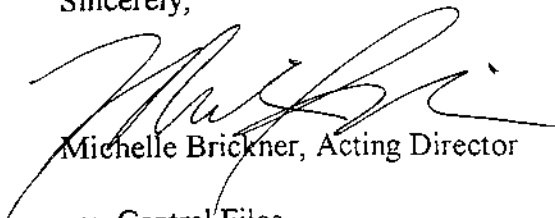
Effective September 15, 1999, this office will no longer accept first submission subdivision plat with a statement or certification to the effect that "no title report has been furnished to the surveyor or engineer" or that suggests in any way the potential existence of County property interests that are not depicted on the plat.

All Architects, Builders, Developers, Engineers and Surveyors Practicing in Fairfax County
Page 2

Given the statutory provisions noted and summarized above, it is the belief of this office that such a policy must be implemented to adequately protect the County's property interests. Your assistance in the acceptance and implementation of this policy would be appreciated.

If you have any questions, please contact Assad Ayoubi, Chief, Site Review Branch at 324-1720.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michelle Brickner', is written over the typed name.

Michelle Brickner, Acting Director

cc: Central Files